IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 39990 of 2003(I)

PETITIONER:

M/S. CHITHIRA COMM8UNICATIONS,
REPRESENTED BY ITS PROPRIETOR-RAJASEKHARAN.R.,
2ND FLOOR, KULAPURAKKAL CHAMBERS, THEVARA JUNCTION
KOCHI-15

BY ADV. SRI.PAUL MATHEW (PERUMPILLIL)
SRI.ANIL GEORGE
SRI.V.S.VISHNU

RESPONDENTS:
---

1. THE STATION DIRECTOR,
COMMERCIAL BROADCASTING SERVICES,
ALL INDIA RADIO, TRIVANDRUM-14

2. THE STATION MANAGER, ALL INDIA RADIO,
KAKKANAD, ERNAKULAM.

BY ADV. SRI.SAJEESH.K.B., ADDL.CGSC
SRI.JOHN VARGHESE, SCGSC
SRI. P. PARAMESWARAN NAIR, ASG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE PHOTOSTAT COPY OF THE CONTRACT NOTE DATED 28.05.2003.

EXT.P2: TRUE PHOTOSTAT COPY OF THE BILL DATED 14.7.2003.

EXT.P3: TRUE PHOTOSTAT COPY OF THE CONSOLIDATED STATEMENT.

EXT.P4: TRUE PHOTOSTAT COPY OF THE LETTER DATED 16.7.2003 ISSUED BY THE 1ST RESPONDENT.

EXT.P5: TRUE PHOTOSTAT COPY OF THE LETTER DATED 04.10.2003 SENT BY THE PETITIONER TO THE FIRST RESPONDENT.

EXT.P6: TRUE PHOTOSTAT COPY OF THE TELEGRAM DATED 21.10.2003.

EXT.P7: TRUE PHOTOSTAT COPY OF THE LETTER OF DEMAND DATED 20.10.2003 ISSUED TO THE PETITIONER.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

==========

W.P.(C) NO. 39990 OF 2003

==========

Dated this the 25th day of July, 2007.

JUDGMENT

The writ petition is filed with the following prayer:

i. direct the first respondent to dispose of Exhibit P5 representation pending before him and not to initiate recovery steps as mentioned in Exhibit P6 and P7 till the disposal of Exhibit P5.

It is submitted that the service tax may not be levied on the petitioner with retrospective effect. These are matters for the competent authority to consider. There is no counter affidavit. There will be a direction to the 1st respondent/competent authority to consider Ext.P5 with notice to the petitioner and pass appropriate orders thereon in accordance with law within a period of four months from the date of production of a copy of this judgment. The interim order passed by this Court will continue till such time.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

rv